

APPROVAL, conditioned on the following:

1. A site plan, dated January 28, 2002, entitled Ben Hill UMC Worship Center and marked received by the Bureau of Planning January 30, 2002 that eliminates the proposed future driveway at the southwest edge of Parcel "B" and incorporates the following, subject to review and approval by the Bureau of Planning and the Bureau of Transportation Services:
 - a) reduction in the proposed sanctuary seating to a maximum of 3000 and a total of 750 parking spaces;
 - b) the parking lot shall be designed in such a manner as to minimize cuts and fills, to protect and conserve as many specimen trees as possible, based on topographical survey of the site and a tree survey identifying all trees over six inches in diameter measured at breast height and to minimize the impact of the parking facility on the adjoining residential uses;
2. The sole point of ingress and egress off of Austin Road shall be at the intersection of Austin Road and Camp Ground Road.
3. There shall be a minimum 50-foot undisturbed buffer along the boundary of Parcel 'A' and along the northern, southern and western boundary of Parcel 'B'. No land disturbance or tree removal shall occur within said undisturbed buffer. A privacy wall of 6-feet in height shall be installed, interior to the undisturbed buffer, prior to issuance of a building permit.
4. New building and/or facility lighting, including parking area lighting, shall be designed, shielded and constructed so as to prevent light spill onto adjoining residential areas.
5. Exterior construction activity shall be limited to Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. The church shall make every effort to utilize the area in the southeastern portion of Parcel "A" and the rear of Parcel "B" for construction staging activities. Undisturbed buffer areas shall be fenced off during construction.
6. Stormwater drainage engineering shall meet or exceed City of Atlanta and State of Georgia standards. The rate of stormwater run-off resulting from new construction shall be engineered so as to be directed away from the single-family residences to the north and south of the subject property, subject to approval of state and local agencies.
7. All new air-conditioning units shall be located to the rear of the new sanctuary building or on the roof. Compliance with this requirement shall be determined by the Bureau of Buildings prior to the issuance of a building permit for said building. Walls shall be installed around all new air-conditioning units and shall be designed and constructed so as to provide visual screening and acoustical screening that minimizes noise from said units reaching the northern and southern boundaries of Parcel "B".
8. All dumpsters shall be emptied and/or serviced on Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m.
9. The parking strip for the existing sanctuary fronting on Fairburn Road shall be eliminated and replaced with a landscaped treatment along Fairburn Road which shall be approved by the Bureau of Planning.

City Council
Atlanta, Georgia

02-0-0074

AN ORDINANCE
BY: ZONING COMMITTEE

U-01-30

Date filed: 6-11-01

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. Under the provisions of Section 16-05.005(1)(c) and 16-06.005(1)(c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a church is hereby approved. Said use is granted to Ben Hill United Methodist Church and is to be located at 2075 Austin Road, SW to wit.

ALL THAT TRACT or parcel of land lying and being in Land Lots 7 and 31 of the 14th FF District of Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variance can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

Conditions for U-01-30

Site plan entitled "Master Plan: Ben Hill UMC Worship Center, Atlanta, Georgia prepared by CDH Partners, Inc., Architecture/Planning, dated September 14, 2001, last revised November 20, 2001 and marked received by the Bureau of Planning November 21, 2001.

167069

Fulton County, Georgia
Real Estate Commission
Filed \$12.00
Date 8-1-78
By [Signature]
Clerk, [Signature]

4-01-30

1w

2614503

WARRANTY DEED

STATE OF GEORGIA COUNTY OF FULTON

THIS INDENTURE, Made the 3rd day of JANUARY
one thousand nine hundred SEVENTY EIGHT, between

Y. H. LONGINO, ET AL, AS TRUSTEES OF THE ATLANTA SOUTHWEST DISTRICT OF THE
NORTH GEORGIA CONFERENCE OF THE METHODIST CHURCH
of the County of FULTON, and State of Georgia, as party of parties of the
first part, hereinafter called Grantor, and

OSCAR BORTON, JR.

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context requires or
permits).

WITNESSETH that: Grantor, for and in consideration of the sum of
TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS (\$10.00) DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 7 of the
14th District of formerly Fayette, now Fulton County, Georgia, and being
more particularly described as follows:

BEGINNING at a point on the original south line of said Land Lot 7 where
the same is intersected by the center line of a public road known as
Camp Ground Road, and running thence northerly, northeasterly, easterly
and southeasterly along the center line of Camp Ground Road to a point
where the center line of Camp Ground Road intersects the center line of
Austin Road (if the center line of Austin Road were extended south so as
to intersect Camp Ground Road); thence south 1 degree east a distance
of 76.1 feet to an iron pin on the original south line of said Land Lot
7; thence south 89 degrees 30 minutes west along the original south line
of said Land Lot 7 a distance of 595.3 feet to the point of beginning.
The above property is conveyed subject to the title and interest of
Fulton County in and to a 40 foot road known as the extension of Camp
Ground Road, conveyed to Fulton County on July 28, 1947 by deed recorded
in Deed Book 2020, Page 314, Fulton County Records.

This deed is made subject to all easements, as well as all restrictive
covenants of records, except those which impose a restriction upon the
sale or occupancy of the above described property on the basis of race,
color or creed.

This deed is made subject to all 1978 taxes which the grantee herein
assumes and agrees to pay as a part of the above mentioned consideration.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights,
members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to
the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above
described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above
written.

Signed, sealed and delivered in presence of:

Herbert C. Futer (N.P. SEAL)

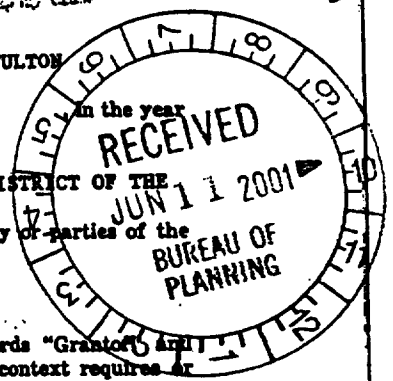
Reuben J. Noland (Seal)
Chairman Trustee

James R. Ward (Seal)
Sec.

Virginia R. Morris
Notary Public, Douglas County, Ga.

ACB Dist. Supt. (Seal)
District Superintendent

My Commission Expires May 9, 1980



Filed & Recorded at 12:01 P.M.

Barbara J. Futer CLERK

BOOK 6873 PAGE 247

QUITCLAIM DEED

EXHIBIT H

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this
one thousand nine hundred and ~~thirty~~ ninety

day of May
between

in the year

THE BOARD OF TRUSTEES, ATLANTA-COLLEGE PARK DISTRICT,
NORTH GEORGIA CONFERENCE OF THE UNITED STATES METHODIST CHURCH

of the County of Fulton, and State of Georgia
or parties of the first part, hereinafter called Grantor, and

DEN HILL UNITED METHODIST CHURCH

of the County of Fulton, and State of Georgia
or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their
heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable
considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee

All that tract or parcel of land lying and being in Land Lot 7 of
the 14th District of originally Fayette, now Fulton County,
Georgia, described as follows:

BEGINNING at the intersection of the center line of Camp Ground
Road with the center line of Austin Road (which point of beginning
is a distance of 78 feet measured north 1 degree west from an iron
pin on the original south line of said Land Lot 7) and running
thence north 1 degree west along the center line of Austin Road a
distance of four hundred fifty (450) feet; thence west twenty-five
(25) feet to an iron pin on the west side of Austin Road; thence
west one hundred seventy-four and six-tenths (174.6) feet to a iron
pin; thence north one hundred forty-two and three-tenths (142.3)
feet to an iron pin; thence west 1,280 feet to an iron pin on the
west side of said Land Lot 7; thence south along the west side of
said Land Lot 7, 692 feet to an iron pin on the south line of said
Land Lot 7; thence north 89 degrees 30 minutes east 843 feet to an
iron pin at the intersection of the westerly side of Camp Ground
Road with the south line of said Land Lot; thence continuing east
along the south line of said Land Lot 25 feet to the center of Camp
Ground Road; thence northerly, northeasterly, easterly and
southeasterly along the center line of Camp Ground Road to a point
where the center line of Camp Ground Road intersects the center
line of Austin Road and point of beginning.

TO HAVE AND TO HOLD the above described property to the only
use, benefit and behoof of Grantee, and its respective heirs,
successors, and assigns, forever and in FEE SIMPLE and with all and
singular the rights, members and appurtenances thereof, to the same
being, belonging, or in anywise appertaining, IN TRUST, that said
premises shall be kept, maintained and disposed of for the benefit
of The United Methodist Church and subject to the usages and the
Discipline of The United Methodist Church. This provision is
solely for the benefit of Grantee and the Grantor reserves no right
or interest in said premises.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written
Signed, sealed and delivered in the presence of:

BOARD OF TRUSTEES, ATLANTA-COLLEGE PARK
DISTRICT, NORTH GEORGIA CONFERENCE OF THE
UNITED METHODIST CHURCH

District Chairman (Seal)

District Secretary (Seal)

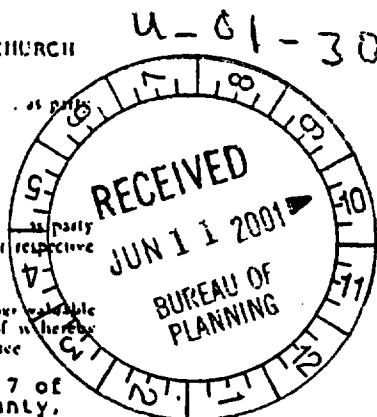
District Superintendent (Seal)

(Unofficial witness)

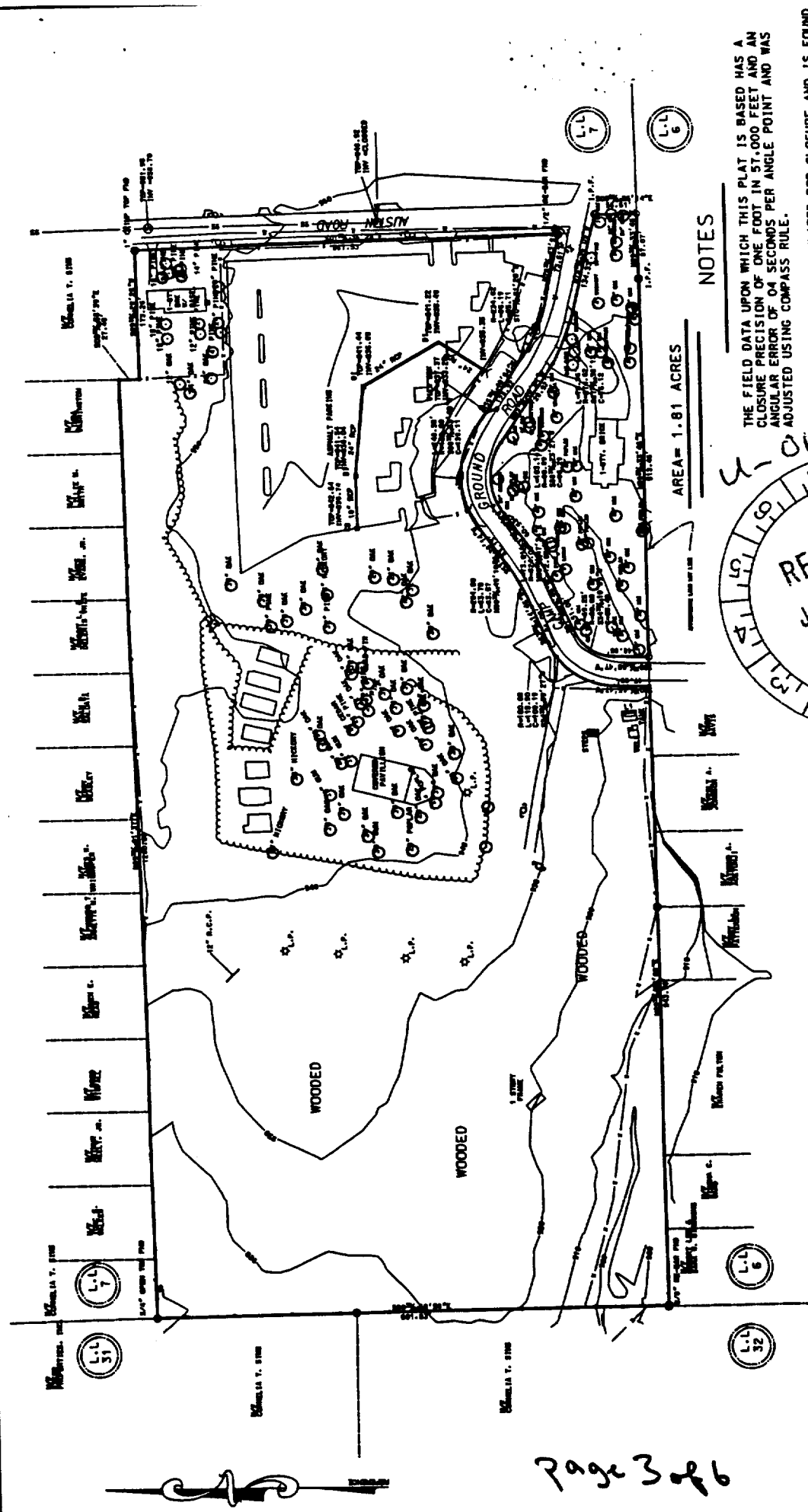
(Unofficial witness)



BOOK 13567 PAGE 350



Page 2 of 6



AREA = 1.81 ACRES

AREA = 20.72 ACRES

NOTES

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 57,000 FEET AND AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 274,000 FEET OR BETTER.

LINEAR MEASUREMENTS OBTAINED USING A TOPCON GTS30. ANGULAR MEASUREMENTS OBTAINED USING A TOPCON GTS30. FIELD WORK COMPLETED: 1/19/01 FIELD BOOK: 2046

PLAT BEARINGS ARE BASED ON PREVIOUS SURVEYS REF:



I CERTIFY THAT NONE OF THIS PROPERTY LIES WITHIN A FEDERALLY DESIGNATED FLOOD ZONE, AND I FURTHER CERTIFY THAT NO SEPARATELY DESIGNATED FLOOD ZONE AFFECTS THIS PROPERTY, ACCORDING TO F.T.R.M. MAP NO. 139157-00408, FULTON COUNTY, GEORGIA.

CERTIFICATION

THIS IS TO CERTIFY THAT I, LARRY W. CLARK, GEORGIA REGISTERED LAND SURVEYOR NO. 1709, HAVE SURVEYED AND PLATTED THE HEREON DRAWN MAP OR PLAT. THE SAME HAS BEEN CONDUCTED AND PREPARED IN CONFORMITY WITH THE REQUIREMENTS OF GEORGIA LAW. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF. THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

DATED THIS ____ DAY OF _____, 2001

LARRY W. CLARK
LAND SURVEYOR NO. 1709

LEGEND

- IPS IRON PIN SET
- IPF IRON PIN FOUND
- FWH FIRE HYDRANT
- W/F NOW OR FORMERLY
- LLL LAND LOT LINE
- R/W RIGHT-OF-WAY
- FENCE LINE
- ELECTRIC METER
- LIGHT POST
- MANHOLE
- MANHOLE SANITARY SEWER
- SANITARY SEWER LINE
- STORM SEWER LINE
- CATCH BASIN
- WATER VALVE
- VALVE BOX
- GAS METER
- POWER POLE
- POINT OF BEGINNING

BEN HILL UNITED METHODIST CHURCH

LOCATED IN

LAND LOT 7 14th FF DISTRICT

FULTON COUNTY, GEORGIA

RILEY, PARK, HAYDEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
ATLANTA, GEORGIA
770-447-0041

DATE: 11/24/01 SCALE: 1"=100' JOB NO. 9812 SHEET 1 OF

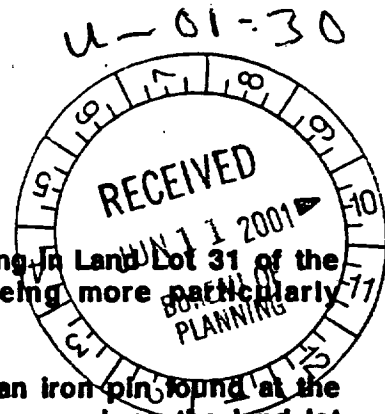
NO.	DATE	DESCRIPTION	BY
1	3/8/01	ADD PARCEL	LWC

LARRY W. CLARK
LAND SURVEYOR
GEORGIA REGISTERED
NO. 1709

Page 3 of 6

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 31 of the 14th District F.F., Fulton County, Georgia and being more particularly described as follows:

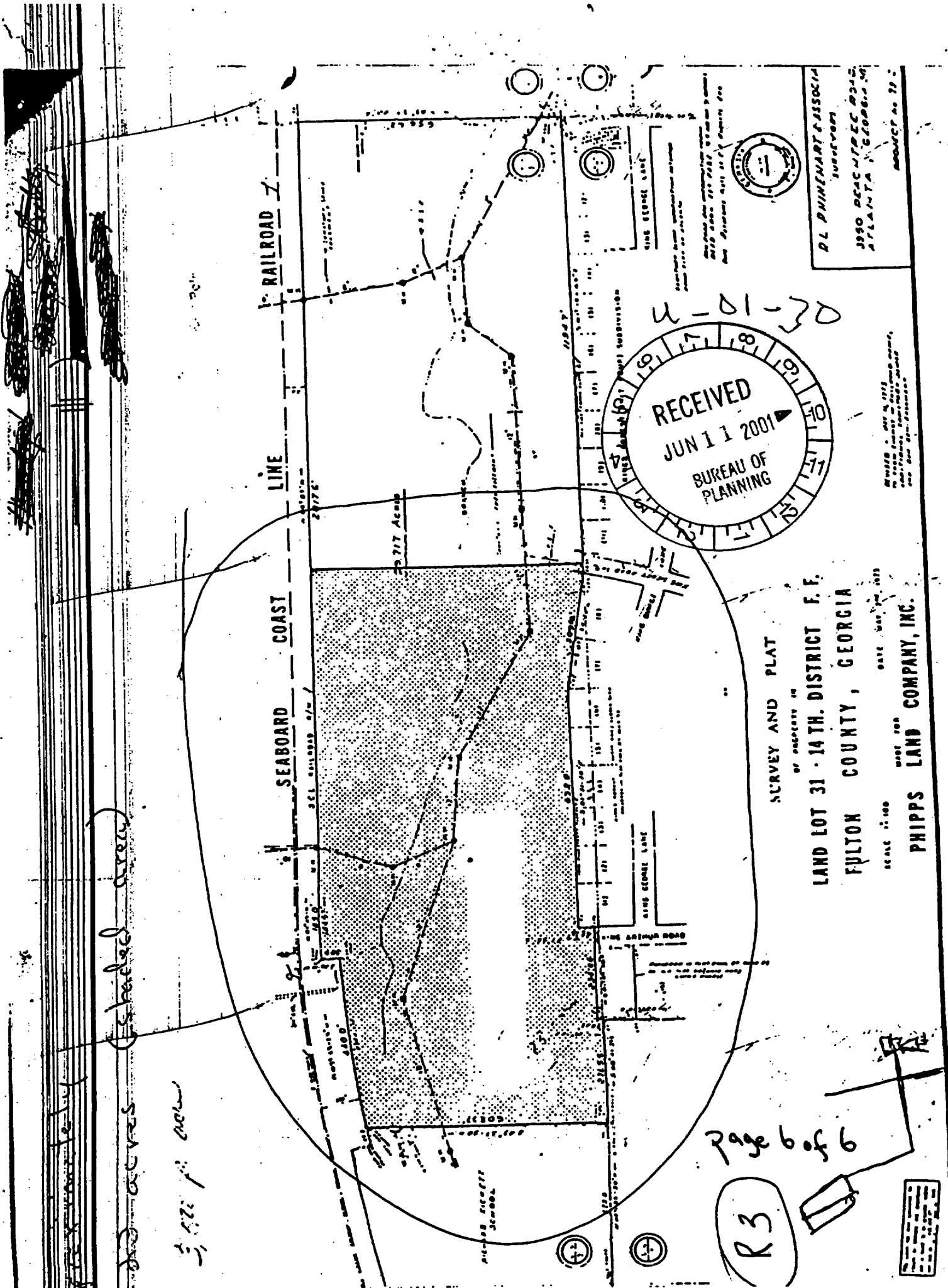


TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin found at the corner common to Land Lots 7, 8, 31, and 30; run thence along the land lot line common to Land Lots 7 and 31 South 01 degrees 18 minutes and 10 seconds East a distance of 360.51 feet to an iron pin found, said iron pin found being at the line dividing Lots 3 and 4 Kings Forest Unit Four Subdivision; thence continuing along the land lot line common to Land Lots 7 and 31 and the western property line of Lots 4, 5, 6, 7, 8, 9, 10 and 11 of Kings Forest Unit Four Subdivision run South 01 degrees 17 minutes and 21 seconds East a distance of 783.08 feet to an iron pin found, said iron pin found being at the intersection of the northern right-of-way line of King Henry Road (having a 50-foot right-of-way width) with the southwestern corner of Lot 11 of the Kings Forest Unit Four Subdivision and also being the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING, as thus established and thence leaving Lot 11 of the Kings Forest Unit Four Subdivision and crossing the right-of-way of King Henry Road run South 01 degree, 18 minutes, 45 seconds East a distance of 50.39 feet to an iron pin set located on the southern right-of-way line of King Henry Road and said land lot line common to Land Lots 7 and 31 run long the western property line of Lots 8 through 1 of the Kings Forest Unit 1 Subdivision the following courses and distances: South 07 degree, 50 minutes 20 seconds West a distance of 309.8 feet to an iron pin found; South 07, 50 minutes and 20 seconds East a distance of 632.0 feet to an iron pin found; North 89 degree, 38 minutes, 35 seconds East a distance of 42.10 feet to an iron pin set; thence leaving said Western property line of Kings Forest Unit 1 Subdivision run South 01 degree, 09 minutes, 30 seconds East a distance of 20.12 feet to an iron pin found, said iron pin found being located on the land lot line common to Land Lots 7 and 31; thence continuing along said land lot line common to Land Lots 7 and 31 run South 00 degree, 41 minutes, 39 seconds East a distance of 271.55 feet to a concrete monument set; thence leaving said land lot line common to Land Lots 7 and 31 run along the northern property line of the Richard Fickett School South 89 degree, 57 minutes, 50 seconds, West a distance of 608.37 feet to a concrete monument found, said concrete monument found being located on the eastern right-of-way line of the Seaboard Coast Line Railroad (having a variable right-of-way width); thence leaving said northern property line of the Richard Fickett School and continuing along said eastern right-of-way line of the Seaboard Coast Line Railroad run North 07 degree, 43 minutes, 25 seconds West a distance of 440.0 feet to a concrete monument; thence South 86 degree, 10 minutes, 43 seconds West a distance of 185.0 feet to a point; thence North 00 degrees, 07 minutes West a distance of 874.13 feet to an iron pin set; thence leaving said eastern right-of-way line of the Seaboard Coast Line Railroad run South 89 degree, 43 minutes, 51 seconds West a distance of 679.90 feet to an iron pin found, said iron pin found being at the intersection of the northern

right-of-way line of King Henry Road and the southwestern corner of Lot 11 of the Kings Forest Unit Four Subdivision and also being the TRUE POINT OF BEGINNING.

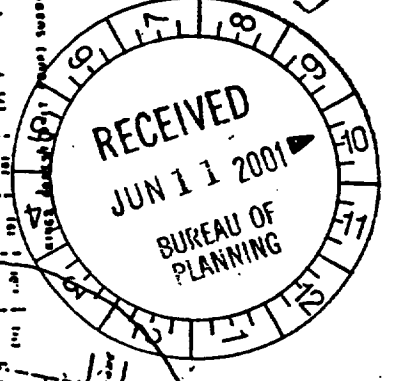
The above-described property is shown on and described according that certain Survey for Phipps Land Company, Inc., prepared by R.L. Rhinehart & Associates, R.L. Rhinehart, Georgia Registered Land Surveyor No. 1476, dated May 2, 1973, last revised May 11, 1973, and that certain Survey for Harold L. Sims, prepared by Cowherd, Goodman & Associates, P.A., Dean E. Goodman, Georgia Registered Land Surveyor No. 1978, dated June 13, 1978, which certain Surveys are incorporated herein and by this reference made a part hereof.





320 acres (shaded area)

3.721 p. now



SURVEY AND PLAT
OF PROPERTY IN
LAND LOT 31 - 14TH. DISTRICT E.F.
FULTON COUNTY, GEORGIA
SCALE 1:100 DATE MAY 1991
PHIPPS LAND COMPANY, INC.

DL PHINEMART ASSOCIATES
SUBDIVISION
3390 DEAC WILKIE BLVD.
ATLANTA, GEORGIA 30341
PHONE 404-771-1111

Page 6 of 6

R3



01-0-1101

(Do Not Write Above This Line)

IN ORDINANCE U-01-30
BY: ZONING COMMITTEE

IN ORDINANCE GRANTING A SPECIAL USE
PERMIT FOR A CHURCH (SECTIONS 16-05.005
(1)(c) & 16-06.005(1)(c), PROPERTY
LOCATED AT 2075 AUSTIN ROAD, SW FRONTING
APPROXIMATELY 600 FEET ON THE WEST SIDE
OF AUSTIN ROAD BEGINNING APPROXIMATELY
320 FEET SOUTH FROM THE SOUTHWEST CORNER
OF KING ARTHUR ROAD. DEPTH: VARIES.
AREA: APPROXIMATELY 45.25 ACRES. LAND
LOTS 7 and 31, 14thFF, DISTRICT, FULTON
COUNTY, GEORGIA.
OWNER: BEN HILL UNITED METHODIST CHURCH
APPLICANT: JOHN R. MAPP, JR.

NPU "P" COUNCIL DISTRICT 11

- ☐ **CONSENT REFER**
☒ **REGULAR REPORT REFER**
☐ **ADVERTISE & REFER**
☐ **1st ADOPT 2nd READ & REFER**

Date Referred 7/16/01

Referred To: ZLB & Zoning

Committee _____
Date _____
Chair _____

First Reading

Committee	Committee
Date	Date
Chair	Chair
Actions	Actions
Fav, Adv, Held (see rev. side)	Fav, Adv, Held (see rev. side)
Others	Others
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Actions	Actions
Fav, Adv, Held (see rev. side)	Fav, Adv, Held (see rev. side)
Others	Others
Members	Members
Refer To	Refer To

COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

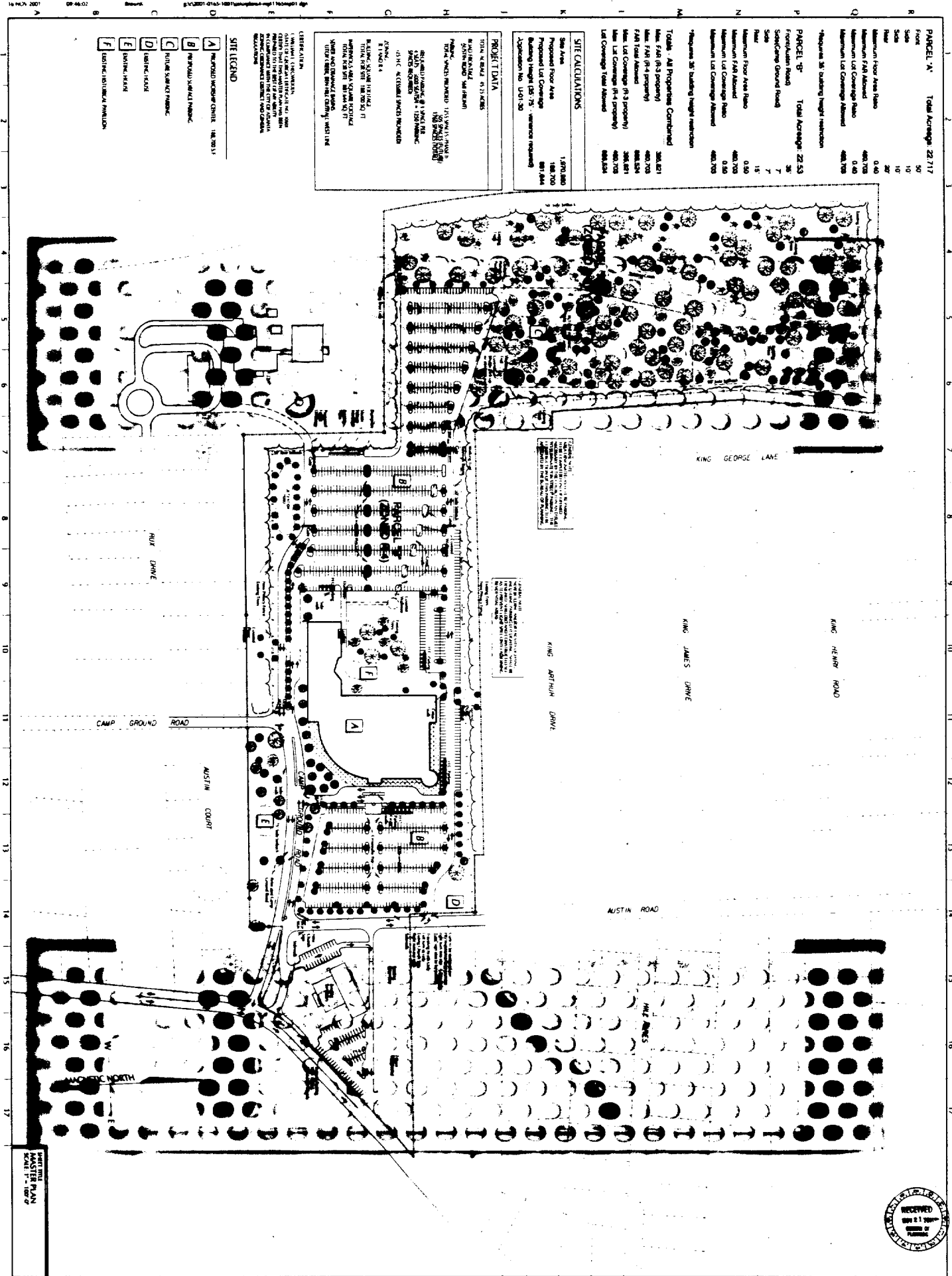
CERTIFIED

MAYOR'S ACTION

ZONING REVIEW BOARD	
DEFERRED	
ON	August 9, 2001
UNTIL	October 4, 2001
CHM.	<i>[Signature]</i>

ZONING REVIEW BOARD	
DEFERRED	
ON	October 4, 2001
UNTIL	December 2001
CHM.	<i>[Signature]</i>

DEPARTMENTAL AUTHORIZATION



MASTER PLAN
Sheet 1 of 1

MASTER PLAN FOR
BEN HILL UMC WORSHIP CENTER
Atlanta, Georgia

CDH PARTNERS INC.
ARCHITECTURE + PLANNING
115 TOWER ROAD, SUITE 100
MARIETTA, GEORGIA 30060
TEL: 770-434-0010
FAX: 770-424-0280
H770P01.cdw@cdh-partners.com

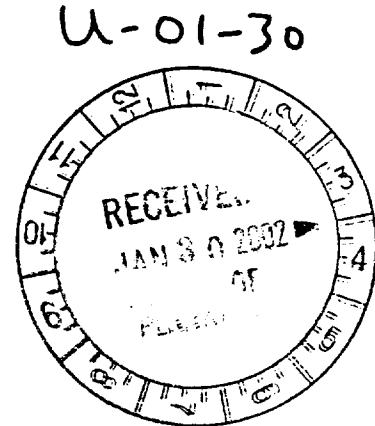
RECEIVED
JAN 11 2006
11:00 AM
BEN HILL UMC

January 28, 2002

VIA HAND DELIVERY

Mr. John A. Bell
City of Atlanta
Dept. of Planning, Development &
Neighborhood Conservation
68 Mitchell Street, S.W.
Suite 3350
Atlanta, Georgia 30335-0308

Re: **U-01-30**
Ben Hill United Methodist Church
2099 Fairburn Road, S.W.



Dear John:

This letter will amend the above application as follows:

- A. **By substituting the enclosed site plan for that with which the application was amended on November 13, 2001.** The new site plan reduces the number of seats in the sanctuary to 3,500, reduces the size of the proposed building by 20% from 188,700 square feet to 150,960 square feet, reduces the number of parking spaces by 375 (to 875, which allows removal of most of the parking spaces previously shown on Parcel "A"), removes the row of parking behind the worship center closest to the neighborhood (thereby increasing the buffer to 60 feet in that area) and eliminates the point of access onto Austin Road as we had previously agreed.
- B. **By adding as a condition:** That a restrictive covenant in favor of the Kings Forest Homeowners Association will be placed on that portion of the property designated as Parcel "A" on the site plan above the area in which parking is proposed which shall provide that such portion of Parcel "A" will neither be developed for additional church buildings or parking nor sold to a third party for development for a period of 20 years from the date of approval of the special use permit by the City of Atlanta.
- C. **By adding as a condition:** That a restrictive covenant in favor of the Kings Forest Homeowners Association will be placed on the parcel of land containing the church's existing sanctuary located at the intersection of Fairburn and Campground Roads which shall provide that such existing

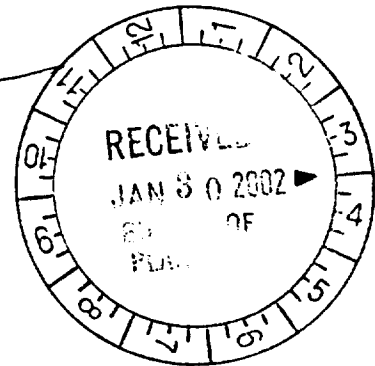
building will not be sold to another church for a period of 20 years from the date of approval of the special use permit by the City of Atlanta.

This amendment does not represent an agreement with any of the neighborhood groups who were present at the January 22 meeting, but is an attempt by the church to respond to those concerns we heard expressed by members of Council at that meeting. As you may know, development of the church's facility as proposed also requires approval of a height variance (V-01-371), which is scheduled to be heard by the BZA sometime in March. The commitments of the church set out in this letter are obviously contingent on approval of that variance, without which the plan cannot be developed. I hope that this is clear and that you will call me if you have questions or need anything further.

Very truly yours,



Carl E. Westmoreland Jr.



CEWjr/mr

Enclosures

::ODMA\PCDOCS\ATL\547182\1

cc: Councilmember Jim Maddox (via hand delivery)
Councilmember Debi Starnes (via hand delivery)
Rev. McCallister Hollins
Mr. John Mapp